

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PITTSBURGH DIVISION

TIMOTHY FITCHETT,

Plaintiff,

v.

PETMED EXPRESS, INC.,

Defendant.

Civil Action No. 2:24-710-RJC

CONSENT MOTION TO EXTEND CASE MANAGEMENT ORDER DEADLINES

Plaintiff Timothy Fitchett, by and through undersigned counsel, hereby moves this Court to extend the remaining deadlines in the Case Management Order by ninety (90) days. Doc. 34. In support thereof, Plaintiff avers as follows:

1. The Parties have been working cooperatively to complete discovery and avoid intervention by this Court.
2. Plaintiff served his First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission directed to Defendant on October 18, 2024.
3. Shortly thereafter, on October 21, 2024, Defendant served its own First Set of Discovery requests to Plaintiff.
4. Both parties exchanged discovery responses in November 2024, and subsequently, the parties held a meet and confer by telephone on November 22, 2024, to address certain discovery disputes ahead of mediation.

5. During this meeting, it was agreed that certain productions would take place prior to mediation, including a spreadsheet of all Defendant's sales from 2018 onwards shipped to Pennsylvania, and other discovery disputes would be set aside to be addressed later if mediation was unsuccessful.

6. Following an unsuccessful mediation, the parties met for a second time by telephone on January 7, 2025, to discuss the outstanding discovery disputes. During this meeting, among other things, it was agreed that a protective order needed to be entered for additional productions by Defendant and that Plaintiff would provide search terms to assist Defendant in their document productions.

7. On January 27, 2025, Plaintiff provided Defendant with a comprehensive list of search terms.

8. On January 30, 2025, the Court entered the Protective Order, and Defendant produced another spreadsheet to Plaintiff thereafter. While Defendant has produced two spreadsheets to Plaintiff in good faith, Defendant has not yet provided any documentation beyond these spreadsheets, which has contributed to the ongoing discovery disputes between the parties.

9. Following this production, the parties held their third meet and confer by telephone on January 31, 2025.

10. As of February 5, 2025, Plaintiff served a second set of discovery requests to Defendant, and Defendant scheduled to take Plaintiff's deposition on February 19, 2025.

11. Despite these efforts, the parties are still working through various discovery disputes, finalizing responses, and producing additional documents. The discovery process is ongoing, and additional time is required to resolve the outstanding issues and complete the parties' discovery obligations.

12. The parties are committed to addressing the outstanding issues in good faith and have made some progress. However, to ensure that discovery is completed in a thorough and orderly manner, the parties respectfully request a ninety (90) day extension on all remaining deadlines set forth in the case management order. The proposed extended deadlines are as follows:

Pretrial Proceeding	Current Deadline	Proposed Deadline
Plaintiff's Expert Reports	February 21, 2025	May 22, 2025
Defendant's Expert Reports	April 21, 2025	July 21, 2025
Depositions of Class Certification Experts	May 21, 2025	August 19, 2025
Complete Class Certification Discovery	May 21, 2025	August 19, 2025
Plaintiff's Motion for Class Certification	June 23, 2025	September 22, 2025

13. Hopefully, this extension will allow the Parties additional time to resolve current disputes and complete discovery necessary for class certification.

14. Defendant consents to a 90-day extension of the above deadlines.

WHEREFORE, Plaintiff respectfully requests that this Court grant the Consent Motion to Extend Case Management Order Deadlines by 90 days, and enter the Order attached hereto.

DATE: February 18, 2025

/s/ Kevin W. Tucker

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CERTIFICATE OF SERVICE

I hereby certify that on this day, February 18, 2025, a true and correct copy of the foregoing Joint Motion for Entry of Protective Order was filed on the Court's CM/ECF system and will be served upon all counsel of record.

Respectfully Submitted,

Dated: February 18, 2025

/s/ Kevin W. Tucker

Kevin W. Tucker (He/Him) (PA 312144)